

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

AVONDA URBEN, on behalf of herself and in her capacity as the Sellers' Representative,))	Civ. No. 23-cv-00138-TSE-IDD
Plaintiff,)))
v.)))
GRIDKOR, LLC, MICHAEL BRYANT, KORDEV, LLC, and ALYSSA SCHRECENGOST BRYANT,)))
Defendants.)))
GRIDKOR, LLC,)))
Counterclaim and Third-Party Plaintiff,)))
v.)))
AVONDA URBEN; JOHN DOE NOS. 1-5; and JANE DOE NOS. 1-5,)))
Counterclaim and/or Third Party Defendants.)))

**MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR
PLAINTIFF/COUNTERCLAIM DEFENDANT AVONDA URBEN**

Pursuant to Local Rules of Civil Procedure 7 and 83.1(H), Emily B. Kirsch, Craig S. Tarasoff, and Kirsch & Niehaus, PLLC (collectively, “K&N”), and John Bonello, and Reston Law Group, LLP (collectively, “RLG”) respectfully move to withdraw as counsel for Plaintiff/Counterclaim Defendant Avonda Urben (“Urben”). Good cause exists to permit K&N and RLG to withdraw as counsel for Urben in this matter, the underlying reasons of which are

protected by the attorney-client privilege. Courts in the Eastern District of Virginia generally consider in the context of a motion to withdraw whether the Virginia Rules of Professional Conduct permit withdrawal, whether withdrawal of counsel is for good cause, and whether withdrawal will disrupt the prosecution of the case. *See Wallace v. City of Hampton*, No. 2:15-CV-126, 2017 WL 11505960, at *6 (E.D. Va. July 21, 2017). Under Virginia Rule of Professional Conduct 1.16, K&N and RLG may withdraw from representing Urben in this matter. Further, given the stage of the proceeding, with over two months remaining before the discovery deadline, which discovery is well underway, neither the parties nor the proceeding will be disrupted by K&N's or RLG's withdrawal. Pursuant to Virginia Rule of Professional Conduct 1.16(c) and Local Rule of Civil Procedure 83.1(H), K&N and RLG have provided reasonable notice to Urben of its withdrawal. In addition, a copy of this Motion to Withdraw and supporting papers have been emailed to Urben.

Defendants have noticed Urben's deposition to take place on October 11, 2023. K&N, RLG, and Urben respectfully request that her deposition be adjourned *sine die* until a mutually convenient date after Urben retains new counsel and new counsel has the opportunity to prepare.

K&N and RLG request a hearing on this Motion.

K&N and RLG have asked Defendants whether they object to this Motion. Defendants provided the following response:

Defendants take no position with respect to counsel's request to withdraw. However, Defendants do object to the request that Ms. Urben's deposition be postponed indefinitely, or until an undetermined time when new counsel may appear. Only two months remain for discovery in this case, and Defendants expect they may need to seek additional discovery based upon Ms. Urben's deposition. Accordingly, Defendants ask that the Court order Ms. Urben to appear for a deposition no later than October 25, 2023

As conveyed to Defendants, Plaintiff is unable to commit to that or any deadline without first consulting new counsel.

WHEREFORE, K&N and RLG respectfully request that the Court grant the Motion to Withdraw and enter an Order permitting K&N and RLG to withdraw as counsel for Urben.

Dated: October 8, 2023

Respectfully submitted,

RESTON LAW GROUP, LLP

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*Attorneys for Plaintiff Avonda Urben, on
behalf of herself and in her capacity as the
Sellers' Representative*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 8th day of October 2023, a copy of the foregoing document was served via the Court's CM/ECF system which will provide notice to all parties indicated on the electronic filing receipt.

/s/ John Bonello
John A. Bonello